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***Amendment***  
***Attorney Docket No. S63.2H-12015-US01***

**Amendments To The Drawings:**

*Please correct figures 2-4, 29-31, and 33 by replacing them with the attached Replacement Sheets.*

The proposed Replacement Sheets add the legend "(Prior Art)" to figures 2-4, add reference number 134 to figures 29, 30, and 31, add reference numbers 90, 90', 90'', 92, 92', and 92'' to figure 23, and adds reference number 141 to FIG. 33.

***Attachment:*** Replacement Sheets - Annotated Sheets Showing Changes

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**Remarks**

This Amendment is in response to the Office Action dated February 10, 2006. The Office Action: 1) acknowledged Applicant's species election, 2) indicated an error in an Information Disclosure Statement (IDS) filed on March 19, 2004, 3) indicated changes that must be made to reflect the priority of this application, 4) objected to four incorrectly numbered item identifiers, 5) objected to the use of legal phraseology in the Abstract section of the application, 6) objected to drawings under 37 CFR § 1.84(p)(5) for not conforming with their descriptions in the specification, 7) objected to drawings under MPEP § 608.02(g) for not including a "Prior Art" legend under FIGs. 2-4, 8) rejected claims 19, 20, 23, and 24 under 35 USC § 112 second paragraph for not providing antecedent basis for the term "tubular structure", 9) rejected claim 5 under 35 USC § 102(e) as being anticipated by US 5,755,734 (hereinafter Richter), 10) rejected claim 19, 20, 23, and 24 under 35 USC § 102(e) as being anticipated by US 6,695,877 (hereinafter Brucker), and 11) rejected claims 6 and 26 under 35 USC § 103(a) as being unpatentable over Richter in view of US 5,733,303 (hereinafter Israel). The following comments are presented in the same order as in the Office Action with section numbers corresponding to the above enumeration.

**1. Election/Restriction**

Applicant appreciates the acknowledgement of his election of species 10 in response to a previous restriction requirement. Applicant notes however that although the election has been made without traverse, additional species may exist which are described in the specification and claims which are not subject to restriction requirement.

**2. Information Disclosure Statement**

The Office Action stated that the IDS filed on March 19, 2004 contained a reference number which did not match the indicated patentee and date of publication. Instead of citing patent number 5,254,619, the IDS should have listed patent number 5,244,619, dated 09/14/1993, in which Burnham is the patentee. A corrected Supplemental IDS with the correct reference number is enclosed with this Amendment.

The Office Action also stated that all of the foreign references and non-US patent literature cited in the March 19, 2004 had to be provided in hard copy format and not on a CD. Enclosed with this application is a hard copy of all of the required material.

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**3. Priority**

Updated status of related applications: The Office Action indicated that the Cross Reference to Related Applications section of the Specification needed to be updated to reflect current changes in the pendency of related applications. Specifically the Office Action stated that application 09/668,687 was abandoned, application 09/963,114 issued as US 6,706,062, and that 08/744,002 was also abandoned. Applicant has inserted a replacement paragraph amended as shown to reflect the changed status of 09/668,687, 09/963,114, and 08/744,002. The originally filed application indicated that application 09/326,445 issued as US 6,325,826 (Page 1, second paragraph [0002] line 4).

**4. Numbering Objections**

4(a): The Office Action stated that in Line 11 of [0047], that “curved portions 25” should be changed to —curved portions 27—. Applicant has modified the specification as suggested by the examiner.

4(b): The Office Action stated that in Line 15 of [0057], that “connector 26” should be changed to —connector 58—. Applicant has modified the specification as suggested by the examiner.

4(c): The Office Action stated that in Line 2 of [0060], “expandable ring 74” should be changed to —expandable ring 72—. Applicant has modified the specification as suggested by the examiner.

4(d): The Office Action stated that in Line 9 of [0066], it appears “structural support member 84” should be changed to —structural support member 104—. Applicant has modified the specification as suggested by the examiner.

**5. Abstract Objections**

The Office Action objected to the use of the term “invention” in the Abstract because this is a legal phraseology. Applicant has amended the Abstract to remove this term.

**6. Drawings Objections under 37 CFR § 1.84(p)(5)**

6(a): The Office Action objected to *FIGs. 29-31* under 37 CFR § 1.84(p)(5) because these figures did not explicitly identify reference number 134 which was mentioned in their description (line 9 of paragraph [0072]). Per 37 CFR § 1.121(d), Applicant has included with this amendment corrected versions of *FIGs. 29-31* to more clearly identify item 134. No

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new matter has been added.

6(b): The Office Action objected to *FIG. 33* under 37 CFR § 1.84(p)(5) because it did not explicitly reference number 141 which was mentioned in its description (line 5 of paragraph [0077]). Per 37 CFR § 1.121(d), Applicant has included with this amendment corrected versions of *FIG. 33* to more clearly identify item 141. No new matter has been added.

6(c): The Office Action objected to *FIG. 14* under 37 CFR § 1.84(p)(5) because it contained a reference number 54 which was not mentioned the specification. Applicant directs Examiner to third line of paragraph [0057] (the third paragraph on page 13) where it states that reference number 54 identifies the main pattern of the stent body.

6(d): The Office Action objected to *FIG. 32* under 37 CFR § 1.84(p)(5) because it contained a reference number 136 which was not mentioned in its description. Applicant has submitted a replacement paragraph amended as shown in which paragraph [0075] (the third paragraph of page 22 and the first paragraph of page 33) of the specification now clearly identifies item 136 as a main vessel axis. No new matter has been added. Because *FIG. 1* indicates that the stent extends along a main vessel axis, because *FIG. 31* indicates that the balloon is within the stent, and because paragraph [0042] identifies *FIG. 32* as the balloon used in *FIG. 31*, a person of ordinary skill would have been informed by the previous disclosure that item 136 is a main vessel axis.

#### **7. Drawings Objections under MPEP § 608.02(g)**

6(e): The Office Action stated that based on paragraph [0019], *FIGs. 2-4* should be labeled as prior art. Per 37 CFR § 1.121(d), Applicant has included with this amendment corrected versions of *FIGs. 2-4* clearly identifying them as prior art. No new matter has been added.

#### **8. 35 USC 112 Rejections**

The Office Action rejected claims 19, 20, 23, and 24 under 35 USC § 112 second paragraph as being indefinite for failing to clearly point out and distinctly claim subject matter of the invention. Specifically, the Office Action stated that the term "tubular structure" in claim 19 was indefinite because it lacked sufficient antecedent basis. In the place of "tubular structure" and as per the Examiner's suggestion, Applicant has addressed the rejection of claim 19 by amending the claim to instead recite the term "tubular member" which does have antecedent

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basis. Because claims 20, 23, and 24 depend from claim 19, this amendment corrects their 35 USC § 112 second paragraph rejections as well.

**9. 35 USC 102(e) Rejections based on Richter**

The Office Action rejected claim 5 under 35 USC §102(e) as being anticipated by Richter. Specifically the Office Action states that FIG. 18 of Richter discloses a stent with a branch portion extending outward from the tubular body of the stent. Applicant has amended claim 5 to recite the limitation of the branch portion extending away from both the proximal end and the distal end of the opening in the tubular body of the stent. The branch in Richter in contrast, does not extend away from the distal end of the opening. For at least this reason, Claim 5 is not anticipated by Richter.

**10. 35 USC § 102(e) Rejections based on Brucker**

The Office Action rejected claims 19, 20, 23, and 24 under 35 USC §102(e) as being anticipated by Brucker. Specifically, the Office Action states that the helical branch structure of Brucker discloses a plurality of concentric rings as in claim 19. Applicant has amended claim 19 to recite the limitation of the first and second rings defining a pattern which forms a complete circuit extending from a first side of a connector to a second side of the same connector. To further assist with the prosecution of this matter, Applicant has also submitted a replacement drawing for FIG. 23 and a replacement paragraph [0067] with amendments which better describe this embodiment. No new matter has been added.

In contrast to Applicant's instant claims, if the curved portions of a helix such as in Brucker are construed to define a "ring", such a ring does not form a complete circuit extending from one side of a connector to the other side of the same connector. Rather the Brucker disclosure only teaches a loop extending from one connector to a different connector. For at least this reason, claim 19 and claims 20, 23, and 24 which depend from claim 19 are not anticipated by Brucker.

**11. 35 USC § 103(a) Rejections**

The Office Action rejected claims 6 and 26 under 35 USC §103(a) as being unpatentable over Richter in view of Israel. Claim 5 (from which claim 6 depends) and claim 26 have been amended to recite the limitation of the branch portion extending away from both the proximal end and the distal end of the opening in the tubular body of the stent. As mentioned in

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section 8 of this amendment, the branch portion of Richter does not extend away from the distal end of the opening. Israel also does not contain this limitation. Because neither Richter nor Israel whether viewed individually or in combination, discloses a stent with this limitation, claims 6 and 26 are not unpatentable over Richter in view of Israel.

#### **Conclusion**

Based on at least the foregoing remarks, Applicant respectfully submits this application is in condition for allowance. Withdrawal of the objections against the Specification, the Drawings, and the rejections against Claims 5, 6, 19, 20, 23, 24, and 26 is requested. Favorable consideration and prompt allowance these claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: May 3, 2006

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